

118TH CONGRESS
1ST SESSION

S. 838

To amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Ms. STABENOW (for herself and Mr. BARRASSO) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Access to
5 Mental Health Act of 2023”.

6 **SEC. 2. IMPROVED ACCESS TO MENTAL HEALTH SERVICES**

7 **UNDER THE MEDICARE PROGRAM.**

8 (a) ACCESS TO CLINICAL SOCIAL WORKERS.—Sec-
9 tion 1833(a)(1)(F)(ii) of the Social Security Act (42
10 U.S.C. 1395l(a)(1)(F)(ii)) is amended by striking “75

1 percent of the amount determined for payment of a psy-
2 chologist under clause (L)” and inserting “85 percent of
3 the fee schedule amount provided under section 1848”.

4 (b) ACCESS TO CLINICAL SOCIAL WORKER SERVICES
5 PROVIDED TO RESIDENTS OF SKILLED NURSING FACILI-
6 TIES.—

7 (1) EXCLUSION OF CLINICAL SOCIAL WORKER
8 SERVICES FROM THE SKILLED NURSING FACILITY
9 PROSPECTIVE PAYMENT SYSTEM.—Section
10 1888(e)(2)(A)(ii) of the Social Security Act (42
11 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting
12 “clinical social worker services,” after “qualified psy-
13 chologist services,”.

14 (2) CONFORMING AMENDMENT.—Section
15 1861(hh)(2) of the Social Security Act (42 U.S.C.
16 1395x(hh)(2)) is amended by striking “and other
17 than services furnished to an inpatient of a skilled
18 nursing facility which the facility is required to pro-
19 vide as a requirement for participation”.

20 (c) ACCESS TO THE COMPLETE SET OF CLINICAL SO-
21 CIAL WORKER SERVICES.—Section 1861(hh)(2) of the So-
22 cial Security Act (42 U.S.C. 1395x(hh)(2)), as amended
23 by subsection (b)(2), is amended—

24 (1) by striking “for the diagnosis and treatment
25 of mental illnesses (other than services” and insert-

1 ing “, including services for the diagnosis and treat-
2 ment of mental illnesses or services for health and
3 behavior assessment and intervention (identified as
4 of January 1, 2023, by HCPCS codes 96156,
5 96158–96161, 96164–96168, and 96170–96171
6 (and any succeeding codes)) but not including serv-
7 ices”; and

8 (2) by striking “inpatient of a hospital)” and
9 inserting “inpatient of a hospital,”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to items and services furnished on
12 or after January 1, 2024.

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